

REMARKS

Claim 1 has been amended to incorporate recitations from claims 4-7 in view of the Examiner's indication of allowable subject matter in paragraph 5 on page 6 of the Office Action. Claim 1 has also been amended to resolve issues arising under 35 U.S.C. 112. In this regard, Applicants note that the feature defined in the amended paragraph (iii) of claim 1 is supported by the disclosure at, e.g., page 22, lines 20-24 and page 23, lines 31-34 in the present application. Also, Applicants note that in paragraph (iv) of the amended claim 1, the word "detached" has been amended to "picked up" based on the disclosure at, e.g., page 4, line 9 in the specification. Finally, it is noted that claim 6 has been amended to make editorial changes for purposes of further clarification without changing its scope.

Entry of the above amendment is respectfully requested.

Written Description Rejection

On page 2 of the Office Action, in paragraph 1, claims 1, 3-7, 9-16, and 18-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Examiner's Position

a. Applicant amended claim 1 to limit the yarns (1) to a polyetherester monofilament formed from polyetherester elastomer comprising soft segments consisting of polyoxyethylene glycol. The specification describes the "polyoxyethylene glycol for forming the soft segments preferably contains oxyethylene glycol units in a content of 70 mol%" or more and continues to state "propylene glycol, tetramethylene glycol or glycerin may be copolymerized in addition to

the oxyethylene glycol, within the range wherein the achievement of the object of the present invention is not disturbed” (page 23, lines 22-30).

b. Applicant amended claim 1 to clarify the claim limitation (iii) which describes a test piece is prepared from the fabricwherein in A represents the mean length of the detached high water absorbing and self-elongating yarns (1). Applicant does not describe the yarns are detached in the specification. It is presumed that the test piece of fabric is woven or knitted and somehow the yarns are removed from the test piece (unwoven or unraveled) and then the length of the respective yarns (1) and (2) are measured under the conditions of load stated in this limitation.

Applicants' Response

Applicants respectfully submit that the amended claims satisfy the requirements of 35 U.S.C. 112, first paragraph, and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

a. In response to the first issue raised by the Examiner, Applicants note that the disclosure at page 23, lines 22-24 in the specification describes that “polyoxyethylene glycol for forming the soft segments preferably contains oxyethylene glycol units in a content of 70 mol% *or more*” (emphasis added), which includes 100 mol%. Further, the disclosure at page 23, lines 26-30 in the specification describes that “Propylene glycol, tetramethylene glycol or glycerin *may* be copolymerized in addition to the oxyethylene glycol, within the range wherein the achievement of the object of the present invention is not disturbed” (emphasis added), which means that propylene glycol, tetramethylene glycol or glycerin is not necessarily copolymerized. When propylene glycol, tetramethylene glycol or glycerin is not copolymerized, oxyethylene

glycol can be polymerized by itself. Thus, the disclosure at page 23, lines 22-30 includes an embodiment consisting of polyoxyethylene glycol and therefore supports that feature.

b. As to the second issue raised by the Examiner, Applicants have amended claim 1 to change “detached” to “picked up” based on the disclosure at, e.g., page 4, line 9 in the present application. In this regard, Applicants submit that it is commonly known that a yarn or yarns in a woven or knitted fabric can be easily picked up from the woven or knitted fabric by deweaving or deknitting the fabric.

Thus, Applicants submit that the present claims satisfy the requirements of 35 U.S.C. 112, first paragraph, and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. 112, Second Paragraph

On page 3 of the Office Action, in paragraph 2, claims 1, 3-7, 9-16, and 18-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Examiner's Position

The Examiner's position appears to be basically that it is not clear how the yarn lengths are measured from the test piece of the woven or knitted fabric (see the top of page 4 of the Office Action).

Applicants' Response

In response, Applicants note initially that claim 1 recites that the yarn lengths are measured under a load of 1.76 mN/dtex when the yarn is a non-elastic yarn having an elongation at break of 200% or less or under a load of 0.0088 mN/dtex when the yarn is an elastic yarn having an elongation at break higher than 200%.

In this regard, claim 1 sets forth that the yarn lengths are the lengths of the recited yarns picked up from the test piece. Applicants submit that it is commonly known that a yarn or yarns in a woven or knitted fabric can be easily picked up from the woven or knitted fabric by deweaving or deknitting the fabric.

Further in this regard, claim 1 recites that the test piece is prepared from the woven or knitted fabric in such a manner that the fabric is stabilized in dimension in the atmosphere having a temperature at 20°C and a relative humidity at 65% and then cut into pieces of 30 cm long in the warp or wale direction and 30 cm long in the weft or course direction.

Thus, Applicants submit that it is clear from claim 1 how the yarn lengths are measured from the test piece of the woven or knitted fabric.

Accordingly, Applicants submit that the present claims satisfy the requirements of 35 U.S.C. 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

On page 6 of the Office Action, in paragraph 5, the Examiner indicates that claim 1 and dependent claims would be in condition for allowance if the 35 USC 112 1st and 2nd paragraph rejections are overcome and amended to include the structural limitations of claims 4, 5 or 6. In this regard, the Examiner indicates that claim 1 lacks any structural limitation of a woven or knitted fabric, and while claims 4-7 provide the structure of the woven or knitted fabric as well as the feature of the paralleled composite yarn formed of yarn (1) and (2), these claims are dependent claims and would be required to be incorporated into the independent claim 1. In addition, the Examiner indicates that Applicant must clarify the claim limitation (iii) related to a test piece and the relative length of the yarns.

Applicants thank the Examiner for the indication of allowable subject matter. In view of the Examiner's requirement that claims 4-7 be incorporated into claim 1, Applicants have amended claim 1 to incorporate the recitations of claims 4-7. Also, as set forth above, Applicants have clarified the claim limitation related to a test piece and the relative length of the yarns. Accordingly, Applicants submit that the amended claims should now be allowable, and thus allowance of the application is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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